

Service in Foreign Air Transportation, Airport Notice—Foreign Air Transportation, Notice of Nonstop Service Required by Foreign Country, Notice of Additional Stop Required by Foreign Country, or Notice of Terminal Change Required by Foreign Country, as the case may be, filed with the Board pursuant to this part by the holder of a certificate of public convenience and necessity, shall be served upon the following:

(a) The Postmaster General, marked for the attention of the Assistant Postmaster General—Bureau of Transportation, if the holder's certificate authorizes the transportation of mail;

(b) The Secretary of State, marked for the attention of Chief, Aviation Division;

(c) In the case of an Application for Change in Approved Service Plan—Foreign Air Transportation, each scheduled air carrier which is authorized to serve the same general area in which is situated the point to which the holder, as part of its approved service plan, desires to engage, or to cease to engage, in foreign air transportation; and also each scheduled air carrier which is authorized to serve a general area contiguous to the general area wherein such point is situated;

(d) In the case of an Airport Notice—Foreign Air Transportation, each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport:

(e) In the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country, all scheduled air carriers operating in the general area affected by the nonstop notice.

(f) In the case of a Notice of Additional Stop Required by Foreign Country or Notice of Terminal Change Required by Foreign Country, each scheduled air carrier which regularly renders service to or from such additional stop or new terminal point, as the case may be; and

(g) Such other persons as the Board may specially designate in a particular case.

[ER-146, 14 F.R. 3527, June 29, 1949, as amended by ER-275, 24 F.R. 5017, June 20, 1959, ER-307, 25 F.R. 6263, July 2, 1960]

§ 203.8 Manner of filing and serving papers.

Service of a copy of an application or notice upon any person pursuant to this

part may be made by personal service, or by registered or certified mail addressed to such person. Whenever service is made by registered or certified mail, the date of mailing shall be considered as the time when service is made. Each copy of a notice, served pursuant to this part shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this part. An executed original and nine copies of each such notice shall be filed with the Board, and each such copy shall be accompanied by a statement to the effect that the air carrier has served a copy thereof upon each such person required to be served hereunder. Such statement shall include the names and addresses of the persons upon whom a copy of such notice was served.

[ER-146, 14 F.R. 3527, June 29, 1949, as amended by ER-307, 25 F.R. 6263, July 2, 1960]

§ 203.9 Name of air carrier.

It shall be an express condition upon the operating authority granted by each certificate issued pursuant to section 401 of the Act authorizing an air carrier to engage in foreign air transportation, that the air carrier concerned, in holding out to the public and in performing air transportation services, shall do so only in a name the use of which is authorized under the provisions of Part 215 of this chapter (Economic Regulations).

[ER-388, 28 F.R. 9200, Aug. 21, 1963]

PART 205—INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

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AUTHORITY: The provisions of this Part 205 issued under sec. 204, sec 401, 72 Stat. 743, 754; 49 U.S.C. 1324, 1371.

SOURCE: The provisions of this Part 205 contained in ER-348, 27 F.R. 733, Jan. 25, 1962, unless otherwise noted.

§ 205.1 Applicability.

(a) This part shall apply to all air carriers holding currently effective certificates of public convenience and necessity authorizing scheduled route service between designated points (hereinafter referred to as certificates) issued by the Board pursuant to section 401 of the Act with respect to:

(1) Inauguration of new service pursuant to certificate awards;

(2) Applications to the Board for authority to temporarily suspend service to or from any point named in a certificate or included in an approved service plan designating points which may be served in a general area named in such certificate;

(3) Notice to the Board when all service to or from a point, pursuant to a certificate, shall have been interrupted or inauguration delayed because of circumstances or events beyond the carrier's control as provided in § 205.8(a); and

(4) Termination of suspension of service.

(b) Sections 205.2(a) and 205.10 shall not apply to the operations of certificated air carriers to or from points authorized for service in their certificates pursuant to section 401(e) of the Civil Aeronautics Act of 1938, 49 U.S.C. 481, but never regularly served. This part does not relieve any carriers from the obligation to file schedules pursuant to the requirements of Part 231 of this chapter.

§ 205.2 Board authorization required for delayed inauguration or temporary suspensions of service.

(a) *Inauguration of service.* Any service authorized by a certificate shall be inaugurated within 90 days after the effective date of the new or amended certificate unless the Board has fixed a longer period. If the recipient of a certificate award authorizing scheduled route service between designated points desires to postpone inauguration of service to any such point or points beyond

the 90-day period or such other period as the Board may have fixed, he shall, not later than 45 days prior to expiration of such period, file an application for postponement of the date of required inauguration of service.

(b) *Temporary suspension of service.* Service to or from any point, authorized in a certificate or included in an approved service plan, shall not be suspended by an air carrier except in accordance with the provisions of this part.

§ 205.3 Applications pursuant to § 205.2.

(a) The application shall contain a specific statement of the relief requested and of the facts relied upon to establish that there is good cause for the postponement of inauguration of service or that the temporary suspension of service is in the public interest, with a statement of economic data or other matters which it is desired that the Board officially notice.

(b) When temporary suspension of service in interstate or overseas transportation is sought on economic grounds, the application shall contain at least the following specific economic data:

(1) History of service, particularly schedules and equipment offered by the applicant for the past two years to and from the point;

(2) Applicant's most recent yearly traffic data for the point: total number of passengers originating and deplaning; and on-line or, if the applicant does not compile on-line data, on-flight origin and destination of such passengers for four representative months;

(3) Anticipated financial benefit to the applicant, with an explanation of the factors considered in reaching such conclusion;

(4) Services offered by other scheduled carriers to the point;

(5) When the applicant is the only carrier regularly serving the point, the nearest alternative air service, and available surface transportation, schedules and fares to alternative airports;

(6) Surface transportation to major markets from the point; and

(7) A factual statement of applicant's efforts to stimulate traffic through schedule experimentation, promotion and advertising, new equipment, or other means during past two years.

(c) The application shall also contain a list of the persons upon whom copies were served in accordance with

§ 205.5, and a statement that any interested person may file an answer in opposition to or in support of the application within twenty (20) days after the filing of the application. An executed original and 19 copies of such application shall be filed with the Docket Section of the Civil Aeronautics Board, Washington, D.C., 20428. Applications which are incomplete or which fail to comply with the requirements of this part will be dismissed.

[ER 394, 28 F.R. 10195, Sept. 18, 1963]

§ 205.4 Answers by interested persons.

Any interested person may file with the Board and serve upon the applicant a written answer in opposition to or in support of, an application made pursuant to § 205.3 within twenty (20) days of the filing thereof. Such answer shall set forth in detail the reasons why the postponement of inauguration of service or temporary suspension of service should be denied or authorized, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and 19 copies of such answer shall be filed with the Docket Section. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

§ 205.5 Service.

(a) A copy of each application made and each answer addressed thereto pursuant to §§ 205.3 and 205.4 shall be served personally or by registered or certified mail upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) Each certificated route air carrier which serves any point for which postponement of inauguration or suspension of service is sought, or its designated agent.

(2) The chief executive of the city, town or other unit or local government at any such point located in the United States or any possession thereof;

(3) The State commission or agency having jurisdiction of transportation by air in the State wherein any such point is located, or if there is no such commission or agency, the chief executive of such State;

(4) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the United States or any possession thereof;

(5) The Postmaster General (marked for the attention of the Assistant Postmaster General—Bureau of Transportation) if the applicant's certificate authorizes the transportation of United States mail to or from such point;

(6) In cases involving an application for suspension of service at a point located in the United States or any possession thereof, the manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed.

(b) Local service carriers shall serve such applications also on each certificated route air carrier which provides or is authorized to provide nonstop service between points between which the applicant could provide nonstop service if the application were granted.

§ 205.6 Disposition.

An order may be issued authorizing such postponement or temporary suspension for such term and upon such conditions as the Board may find to be in the public interest. Where the public interest so requires, the Board may act on applications without waiting for answers thereto.

§ 205.7 Petition for reconsideration.

A petition for reconsideration of the Board's determination under § 205.6 may be filed by any interested person within twenty (20) days after the date of service thereof. Except for the time of filing, such petitions shall conform to the provisions of § 302.37 of this chapter. Any interested person may file an answer in opposition to, or in support of, the petition within ten (10) days after it is filed. An executed original and 19 copies of such petition for reconsideration or answer shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in § 205.5, the applicant and any person who filed an answer in opposition to the original application.

§ 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.

(a) The holder of a certificate shall not be required to file an application under § 205.2 if the postponement of inauguration of new service or interruption of service to or from a point named in a certificate, or included in the hold-

er's approved service plan is caused by conditions or events which the holder cannot reasonably be expected to foresee or control, such as rules, standards or other action or inaction of the Administrator of the Federal Aviation Agency or of a foreign government, emergency measures, strikes, weather conditions, construction work on airports, or disasters: *Provided*, That the provisions of this paragraph shall apply to interruptions due to airport inadequacies only if the holder is unable to serve the certificated point through any airport convenient thereto with the type of equipment last regularly used to serve such point.

(b) In the case of delayed inauguration or an interruption of service caused by a strike, the holder shall give immediate notice of such interruption to the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation).

(c) If service at a point is interrupted or inauguration delayed for more than three (3) consecutive days for reasons beyond the certificate holder's control other than a strike, the holder shall give notice to the Board (marked for the attention of Chief, Routes and Agreements Division, Bureau of Economic Regulation) within three (3) days following the date of required inauguration of service or suspension, setting forth the date of suspension, the actual or estimated duration of delay of service or suspension, and a full and complete statement of the reasons therefor.

NOTE: See also the reporting requirements of § 241.24 of this chapter, Schedule P-2(d) of Part 241 of the Board's regulations.

§ 205.9 Re-examination of suspension authority.

Authority to postpone inauguration or to suspend service, granted pursuant to § 205.6 or § 205.8, may be modified, conditioned or terminated by the Board at any time upon notice but without hearing where the public interest so requires.

§ 205.10 Effect of failure to provide service.

In the absence of circumstances excusing involuntary postponement or suspension of service (§ 205.8), if for a period of ninety (90) days (or such longer specific period as may have been designated by the Board) any service authorized by a certificate has not been inaugurated, or if for a period of 90 days such

a service has not been operated, the Board may direct the carrier to inaugurate or resume service or may, as authorized by section 401(f) of the Act, by order entered after notice and hearing, direct that the holder's certificate shall cease to be effective to the extent of such service.

§ 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.

When service is inaugurated following postponement of inauguration, or resumed following suspension under either express or automatic authority, immediate notice thereof shall be given to the Board (marked for attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation), stating the time when service was inaugurated or resumed.

§ 205.12 Strikes; report to be filed.

Within fifteen (15) days following resumption of service after a strike an air carrier shall file a report with the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation) containing a list of all flights that were canceled, the date they were canceled, and the date service was restored.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS¹

Sec.

206.1 Emergency transportation.

206.2 Omission of stop at route junction points.

§ 206.1 Emergency transportation.

Notwithstanding the provisions of section 401(a) of the act, and any term, condition or limitation attached to the exercise of the privileges of an air carrier certificate of public convenience and necessity which prohibits an air carrier from engaging in air transportation between any points on its route, the air carrier may carry between such points (a) any person or persons certified by a physician to be in need of immediate air transportation in order to secure emergency medical or surgical treatment

¹ 24 F.R. 1860, Mar. 14, 1959.